



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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PAUL BETANCES, et al.,

Plaintiffs,

- against -

BRIAN FISCHER, in his capacity as
Commissioner of the New York State
Department of Correctional Services (DOCS),
and in his individual capacity, et al.,

Defendants.
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11-CV-3200 (RWL)

ORDER

ROBERT W. LEHRBURGER, United States Magistrate Judge.

As per the conference held on June 20, 2021:

1. Defendants' suggestion that the Court reconsider the statute of limitations issue in light of *Chavez v. Occidental Petroleum* (N.Y. 2020), is denied.

2. Defendants' request to exclude the testimony of Shawn Smith is denied; however, Defendants may depose Mr. Smith.

3. Defendants' request to revisit qualified immunity in light of *Early v. Annucci* (2d Cir. 2020) is denied.

All other issues that are subject of the parties' motions in limine and pre-trial briefs are denied without prejudice to renewal at an appropriate juncture.

SO ORDERED.

ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

Dated: June 10, 2021
New York, New York

Copies transmitted this date to all counsel of record.